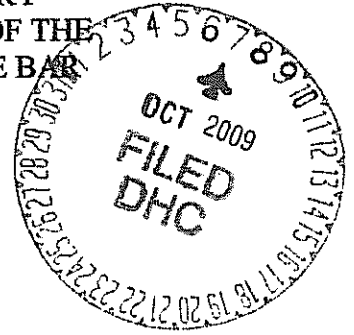


STATE OF NORTH CAROLINA
COUNTY OF WAKE

BEFORE THE DISCIPLINARY
HEARING COMMISSION OF THE
NORTH CAROLINA STATE BAR
09-DHC-21



THE NORTH CAROLINA STATE BAR)
)
vs.)
)
ROBERT K. TROBICH)
)
_____)

COMES NOW Defendant, and responds to the allegations of the Complaint in this matter with like-numbered paragraphs:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted. Defendant agreed to represent Salomon in the matter after Salomon had filed a *pro se* complaint.
5. Admitted.
6. Denied.
7. Admitted in part, denied in part. It is admitted that proper responses to the discovery requests were not filed. Except as specifically admitted, the remaining allegations are denied.
8. Admitted.
9. Admitted.
10. Denied.
11. Admitted in part, denied in part. It is admitted that proper responses to the discovery requests were not filed. Except as specifically admitted, the remaining allegations are denied.
12. Admitted.
13. Admitted.

14. Admitted.

15. Admitted.

16. Admitted in part, denied in part. The allegation does not contain a time frame. It is admitted that Defendant did not immediately inform Salomon of the dismissal. At a later time-frame, Defendant did inform Salomon of the dismissal.

17. Admitted in part, denied in part. Defendant did speak with Salomon in roughly March of 2008, and inquired of her as to what she wanted out of the case in terms of a settlement. Salomon indicated that she would take anything over \$10,000. Defendant informed Salomon that he could get her \$10,500 to settle the case, and she agreed. Except as specifically admitted, the remaining allegations are denied.

18. Denied.

19. It is admitted that Salomon agreed to take \$10,500 to settle her case. It is admitted that Defendant told her he would contact her when the funds were available. Except as specifically admitted, the remaining allegations are denied.

20. Admitted that Defendant did not contact Salomon the following week.

21. Admitted in part, denied in part. It is admitted that Salomon left numerous messages. Defendant responded to several of the messages, to tell her that the funds were still not available.

22. It is admitted that Salomon contacted Defendant in July of 2008, threatening action with the NC Bar if the settlement funds were not paid. Salomon was well aware prior to that time that the action had been dismissed.

23. It is admitted that Defendant informed Salomon that the funds were now available, and arranged a meeting to pay over the funds.

24. It is admitted that Defendant told Salomon that he had dealt directly with the opposing party to seek settlement of the case. Except as specifically admitted, the remaining allegations are denied.

25. Defendant did not represent to Salomon the source of the settlement funds, nor, upon information and belief, did Salomon ever inquire as to the source of the funds. The only information that Salomon ever inquired into was the amount she would receive.

26. Admitted in part. It is admitted that Defendant tendered a check on his operating account to Salomon for \$10,500. Except as specifically admitted, the remaining allegations are denied.

27. Denied.

28. Admitted.

29. It is admitted that Defendant had Salomon sign a release of all claims arising out of her case, and that such release was in consideration for the payment. Except as specifically admitted, the remaining allegations are denied.

30. Denied.

31. It is admitted that the release contained language releasing claims against Defendant by Salomon, along with general release terms concerning the underlying action.

32. It is admitted that Defendant did not advise Salomon in writing of her ability to consult counsel. Except as specifically admitted, the remaining allegations are denied.

33. Admitted upon information and belief.

34. Admitted.

35. Admitted.

36. Admitted.

37. Admitted.

38. Denied. Defendant's response was faxed the evening of November 3, 2008. Upon contact from the Bar that they had not received the response, Defendant re-faxed the response, along with the first confirmation sheet, on November 12, 2008. At that time, Defendant was advised that the response would be deemed timely filed.


39. Defendant incorporates his response to paragraph 38 as if set forth herein verbatim.

40. Admitted.

41. Denied.

WHEREFORE, having fully responded to the Complaint in this matter, Defendant respectfully requests that the matter be dismissed, for a hearing on all matters not summarily dismissed, and for such other and further relief as the Commission shall deem just and proper.

This the 2nd day of October, 2009



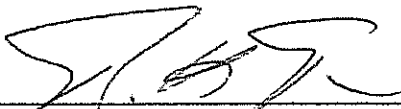
Robert K. Trobich
5635 Timber Ln.
Charlotte, NC 28270
704-488-7588

CERTIFICATE OF SERVICE

I certify that I served a copy of the foregoing document on the following individual by placing said copy in the U.S. Mail with proper postage affixed thereto, and addressed as follows:

Margaret Cloutier, Esq.
Attorney for Plaintiff
PO Box 25908
Raleigh, NC 27611

Dated: 10/2/09



Robert K. Trobich